



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Food and Drug Administration

m2072n
San Francisco District
1431 Harbor Bay Parkway
Alameda, CA 94502-7070
Telephone: 510/337-6700

VIA FEDEX

WARNING LETTER

June 1, 1999

Our Reference: 2938852

Mr. Fernando Guevarra, Owner
Fertrade Corporation
1010 South 3rd St.
San Jose, CA 95112

Dear Mr. Guevarra:

On April 30, 1999, our inspection of a shipment of 20 cases of "Flavored Candy (Anahaw)*30/6 oz." offered for import into the United States by your firm as invoiced on [REDACTED] Export Invoice No. [REDACTED], under entry number 808-0076903-8, revealed the actual product to be SWEET PRESERVED RIPE TAMARIND CANDY.

Such misrepresentation at the time of entry appears to be an attempt to circumvent our Automatic Detention action, initiated in response to a history of filth adulteration, against all tamarind products (fresh and/or processed) as covered by Import Alert #21-07 (copy enclosed), and is a violation of the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. 331, *et seq.*) and may violate other provisions of law, such as 19 U.S.C. 1592 and 18 U.S.C. 542.

Failure to prevent future violations may result in regulatory action, without further notice, such as seizure of, or injunction against, future shipments. It is your responsibility, as the importer, to ensure that importation of products is conducted in full compliance with the requirements of the Federal Food, Drug and Cosmetic Act and the regulations promulgated thereunder.

Within 15 working days of receipt of this letter, provide this office with a written explanation of each step being taken to prevent recurrence of this violation.

Your written reply should be addressed to the U.S. Food and Drug Administration, Attention: Mr. Warren Savary, 1431 Harbor Bay Parkway, Alameda, CA 94502-7070.

Sincerely,

Charles D Moss
Acting District Director
for Patricia C. Ziobro
Director, San Francisco District

Enclosure